

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSE MARTINEZ,

Plaintiff,

vs.

CREATIVE CONCEPTS, INC., et al.,

Defendants.

Case No. 2:12-cv-00277-JCM-PAL

ORDER

Before the court is the parties' Stipulated Protective Order (Dkt. #40) which the court approved, with the exception of a portion of Paragraph 5(a), to facilitate discovery in this case. This order reminds counsel that there is a presumption of public access to judicial files and records. A party seeking to file a confidential document under seal must file a motion to seal and must comply with the Ninth Circuit's directives in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006).

A portion of Paragraph 5(a) of the parties' proposed stipulation was not approved and was deleted by the court. That paragraph allowed a party fifteen days to respond to a motion to seal. LR 7-2(b), however, provides that a party opposing a motion shall file a points and authorities in response no later than fourteen days after service. *Id.* For consistency, and to avoid a CM/ECF deadline report reflecting the response is overdue, the parties shall comply with the Local Rules of Civil Practice.

The court has approved the parties' blanket protective order to facilitate their discovery exchanges. However, the parties have not shown, and court has not found, that any specific documents are secret or confidential. The parties have not provided specific facts supported by affidavits or concrete examples to establish that a protective order is required to protect any specific trade secret or other confidential information *under* Rule 26(c) or that disclosure would cause an identifiable and significant harm. The Ninth Circuit has held that there is a presumption of public access to judicial

1 files and records and that parties seeking to maintain the confidentiality of documents attached to non-
2 dispositive motions must show good cause exists to overcome the presumption of public access. *See*
3 *Kamakana*, 447 F.3d at 1179. Parties seeking to maintain the secrecy of documents attached to
4 dispositive motions must show compelling reasons sufficient to overcome the presumption of public
5 access. *Id.* at 1180.

6 **IT IS ORDERED** that:

- 7 1. The provisions of Paragraph 5(a) of the parties' Proposed Stipulated Protective Order
8 (Dkt. #40) concerning filing responses to motions to seal is **NOT APPROVED** and is
9 **DENIED**. The parties shall comply with the Local Rules of Civil Practice, including LR
10 7-2(b).
- 11 2. The parties shall comply with the requirements of LR 10-5(b), and the Ninth Circuit's
12 decision in *Kamakana*, 447 F.3d 1172 (9th Cir. 2006), with respect to any documents
13 filed under seal.

14 Dated this 30th day of July, 2012.

15 
16 PEGGY A. LEEN
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28